

FCC Received December 20, 1993 @ 3:45 p.m.
Nora A. Bradshaw

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TRANSCRIPT OF PROCEEDINGS

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

DOCKET FILE COPY ORIGINAL

IN THE MATTER OF:

TRINITY BROADCASTING OF FLORIDA, INC.
and
GLENDALE BROADCASTING COMPANY

MM DOCKET NO. 93-75

Miami, Florida

RECEIVED

JAN 10 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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FREE STATE REPORTING, INC.
Court Reporting Depositions
D.C. Area (301) 261-1902
Balt. & Annap. (410) 974-0947

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MM DOCKET NO. 93-75

The above-entitled matter came on for hearing pursuant to Notice before Judge Joseph Chachkin, Administrative Law Judge, at 2000 L Street, N.W., Washington, D.C., in Courtroom 3, on Tuesday, December 7, 1993, at 9:30 a.m.

APPEARANCES:

On Behalf of Trinity Broadcasting of Florida:

NATHANIEL EMMONS, Esquire
CHRISTOPHER HOLT, Esquire
EUGENE MULLIN, Esquire
HOWARD TOPEL, Esquire
Mullin, Rhyne, Emmons & Topel
1000 Connecticut Avenue, Suite #500
Washington, D.C. 20036-5383

On Behalf of Glendale Broadcasting Company:

LEWIS COHEN, Esquire
JOHN SCHAUBLE, Esquire
Cohen & Berfield, P.C.
1129 20th Street, NW
Washington, D.C. 20036

On Behalf of S.A.L.A.D.:

DAVID HONIG, Esquire
DAVID McCURDY, Esquire
1800 NW 187 Street
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1 APPEARANCE (Continued):

2 On Behalf of Chief, Mass Media Bureau:

3 JAMES SHOOK, Esquire
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6 Washington, D.C. 20036
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C O N T E N T S

<u>MRS. DUFF</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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Pearl Jane Duff Mr. Cohen		1386		
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E X H I B I T S

<u>EXHIBIT</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
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Glendale No. 214	1385	1390	
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Glendale No. 215	1386	1390	
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Glendale No. 216	1529	1537	
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Hearing Began: 9:30 a.m.

Hearing Ended: 4:00 p.m.

Lunch Began: 12:30 p.m.

Lunch Ended: 1:30 p.m.

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P R O C E E D I N G S

(9:30 a.m.)

1 JUDGE CHACHKIN: On the record, Mr. Cohen, please
2 continue.

3 MR. COHEN: Thank you, Your Honor. Your Honor, I'd
4 like to have marked for identification if I could, two
5 documents because I'm going to consider them together, with
6 your permission, Your Honor, they're related.

7 I think my next number is 214, am I right?

8 JUDGE CHACHKIN: That's correct.

9 MR. COHEN: Exhibit 214, Your Honor, is a one page
10 letterhead of an entity entitled Media Services Agency. It's
11 a letter to a man named Al Cooper dated April 8th, 1991, and
12 it's signed by Rodney Henke, Director, and by -- well, Media
13 Services Agency, and by Al Cooper who is the President of KLM
14 Television 42, that's a one page document, Your Honor.

15 JUDGE CHACHKIN: The document described is marked
16 for identification as Glendale Exhibit 214.

17 (Whereupon, the document referred to
18 as Glendale Exhibit No. 214 was
19 marked for identification.)

20 MR. COHEN: Your Honor, I'd also like to have marked
21 for identification since they'll be considered together,
22 Glendale Exhibit 215, a one page document on the letterhead of
23 TBN, it's a letter dated 11 -- April 11, 1991, to Al Cooper,
24 and it's signed by Jane Duff. One page.

1 JUDGE CHACHKIN: Okay. The document described will
2 be marked for identification as Glendale Exhibit 215.

3 (Whereupon, the document referred to
4 as Glendale Exhibit No. 215 was
5 marked for identification.)

6 CROSS EXAMINATION

7 BY MR. COHEN:

8 Q Mrs. Duff, would you just take a moment to
9 familiarize yourself generally with those two documents, and
10 tell me when you're ready.

11 A Yes.

12 Q Thank you. It's my understanding, and please tell
13 me if I'm incorrect, that the letter from you to Mr. Cooper
14 dated 11, April, 1991, was related to the letter dated April
15 8, 1991, that is you sent him in your April 11 letter,
16 documents, and among them was the April 8th letter, is that
17 correct?

18 A Not really. The letter of April 8th from Rod Henke
19 went directly to Mr. Cooper, I didn't send it.

20 Q Oh, I understand. Oh, I see. Well, let me ask you
21 this, the signed documents that are referred to then in the
22 April 11th letter, did not include Exhibit 214, is that
23 correct?

24 A No.

25 Q My question then, will you describe for the record

1 the entity named Media Services Agency?

2 A Media Service Agency sells air time for TBN,
3 actually they provide a service for affiliates as well.

4 Q Now --

5 A In the way of air time sales.

6 Q Thank you. Does the April 8th letter accurately
7 explain the relationship between an affiliate, and Media
8 Services Agency?

9 A Yes.

10 Q And Media Services Agency as I understand it, is
11 owned by TBN, is that correct?

12 A That's correct.

13 Q And Mr. Henke, I believe is an employee of TBN, is
14 that correct?

15 A That's correct.

16 Q And the address at the top of the page of Exhibit
17 214, 14171 Chamber Street, Tustin -- is that an address of
18 TBN?

19 A Yes.

20 Q And is the April 11th letter from you to Mr. Cooper
21 an illustration of you carrying out your duties as Assistant
22 to the President?

23 A Yes.

24 Q Now, am I correct that the Portland Station, of the
25 NMTV Station utilizes the services of Media Services Agency?

1 A Yes.

2 Q And does it utilize the services on the basis set
3 forth in the April 8th letter?

4 A For only a brief period of time.

5 Q It did use -- it did utilize the services on the
6 basis set forth in the April 8th letter for only a brief
7 period of time?

8 A Yes.

9 Q And what period of time was that, ma'am?

10 A I think it was like March -- February or March of
11 '93.

12 Q And then it began to use Media Services Agency's --
13 Media Services Agency, it used -- it utilized it on a
14 different basis then?

15 A No. It doesn't utilize Media Services Agency
16 services at all, no.

17 Q Oh, it ceased using it?

18 A Yes.

19 Q And --

20 A It was just an interim thing.

21 Q So it commenced utilizing these services when the
22 station went on the air?

23 A No.

24 Q When did it commence?

25 A Actually there's an air time, five year air time

1 contract, that Portland has.

2 Q With whom?

3 A With TBN, for -- for -- it's just a -- it's a
4 different type of agreement altogether. It's an air time
5 agreement to carry the programming of Trinity Broadcasting
6 Network, but it's not the same as the Media Service Agency
7 Agreement.

8 Q Well --

9 A It's an air time contract with different terms
10 altogether.

11 Q Well, let me ask you this question first. Insofar
12 as Media Services Agency is concerned, TB -- the Portland
13 Station used Media Services Agency from what period of time
14 until what period of time?

15 A For only two months, it was just that we decided we
16 would try it, and it was thought that the other agreement was
17 better, so we went back to the other agreement.

18 Q The other agreement you referred to just now is --

19 A The 80% agreement, which is a five year agreement,
20 they started out with it, and they still have it.

21 Q And does the current agreement cover services as air
22 time agent in the sale of program and/or spot time, for the
23 Portland Station?

24 A It's a gratuitous thing now, Portland has a better
25 agreement now, because it's something that TBN just does, and

1 we don't have to -- we don't have to pay for it.

2 Q Does the agreement in effect with TBN now, cover the
3 sale of program and/or spot time for the Portland Station?

4 A Yes, we get paid for it.

5 Q And is that -- has that agreement been reduced to
6 writing?

7 A No, that agreement hasn't been reduced to writing.

8 MR. COHEN: Your Honor, I'll offer Exhibits 214 and
9 215.

10 JUDGE CHACHKIN: Any objection?

11 MR. EMMONS: No, Your Honor.

12 JUDGE CHACHKIN: Glendale Exhibits 213 and 214 --
13 214 and 215 are received.

14 (Whereupon, the documents referred to
15 as Glendale Exhibits 214 & 215 were
16 received into evidence.)

17 BY MR. COHEN:

18 Q Perhaps the record is clear, and if it is, I
19 apologize, but I want to make certain. The arrangement with
20 Media Services ceased being in effect as of when?

21 A I think it was only in effect for two months, like
22 February and March of '93.

23 JUDGE CHACHKIN: Is your testimony, after this
24 occurred, there was another agreement entered into, with some
25 other entity after this February and March period?

1 MRS. DUFF: Are you talking to me?

2 JUDGE CHACHKIN: Yes.

3 MRS. DUFF: We really never canceled the five year
4 agreement. But we thought we would try this other -- it would
5 have been a, like a brokering time agreement, but after
6 looking at it, I decided I didn't want it, because it was not
7 as advantageous as the five year agreement that we had.

8 JUDGE CHACHKIN: What I'm not clear about is the
9 five year agreement has never been reduced to writing?

10 MRS. DUFF: Oh, yes, sir, it is.

11 JUDGE CHACHKIN: But what were you referring to when
12 you said some agreement has not been reduced to writing?

13 MRS. DUFF: Oh, the agreement that TBN -- the
14 Trinity Agency, the Media Services Agency agreement, where we
15 just get carried on the network free of charge, there isn't
16 any charge to us, and we don't have to pay for the Media
17 Services Agency.

18 JUDGE CHACHKIN: Does that --

19 MRS. DUFF: No, that's not any -- But we get paid
20 for air time.

21 BY MR. COHEN:

22 Q Following through what the Judge has just asked you
23 about. Isn't it true, ma'am, that Exhibit 214 deals with the
24 sale of program and/or spot time, that's what it talks about,
25 correct?

1 A Program sales time, yes.

2 Q Program and/or spot time?

3 A Right.

4 Q Now, who is now handling the spot time for the

5 Portland Station?

6 A I don't believe that we're selling any spots right

7 now.

8 Q I want you to look at your deposition, if you will

9 -- Mr. Topel will be good enough to show it to the witness,

10 October 8th, page 44, line 19. Would you show that to the

11 witness? Start at line 12, if you would. Mr. Topel, would

12 you -- That's where the subject begins, Mr. Topel. Continuing

13 on to page 45, and that's for line 10. Those are the lines

14 I'd like you to look at. Tell me when you've read those lines

15 please.

16 A Yes.

17 MR. EMMONS: Through where?

18 MR. COHEN: Page 45, line 10.

19 MRS. DUFF: Yes.

20 BY MR. COHEN:

21 Q Did I ask you at 44, line 19, and does the Portland

22 Station utilize the services of Media Service Agency, and you

23 answered yes, is that correct?

24 A Yes. During --

25 Q I'm just asking -- just answer the question now,

1 ma'am, on re-direct, Mr. Topel can develop this further, if
2 you wish it. I want to ask you, at line 22, did I ask you,
3 "And does revenue accrue to TBN for Media Services Agency?"
4 And did you answer yes?

5 A Yes.

6 Q And did I ask you "And when the Portland Station
7 utilizes the services of Media Services Agency, and revenue
8 accrued, who gets that revenue?" And did you answer Portland
9 gets credit for the revenue?

10 A Yes. That's correct.

11 Q And did I ask you what about the revenue that goes
12 to Media Services Agency out of a particular transaction? And
13 didn't you answer "NMTV pays the fee."

14 A Yes. We did.

15 Q And didn't I ask you "To TBN?" And didn't you
16 answer "Yes?"

17 A I'm not following you here. Oh, okay.

18 Q I asked you, question, line 7, "To TBN?" and you
19 answered, "Yes?" Correct? Did I read that correctly?

20 A Okay, I'm missing something here.

21 Q Ma'am, I want you to --

22 A A line is --

23 Q -- I want you to report to --

24 A The answer is still yes.

25 Q And the I asked you at line 9 "To Media Services

1 Agency?" And didn't you answer yes?

2 A Yes, for a period of time.

3 Q Yes. Okay. I'd like to go on to something else.

4 Let me just ask you this question. At the time your
5 deposition was taken, on October 8th, 1993, was the agreement
6 with Media Services Company -- Media Services Agency in
7 effect?

8 A No.

9 Q And didn't I ask you if the Portland Station
10 utilized the services of the Media Service Agency -- the Media
11 Services Agency?

12 MR. TOPEL: Your Honor, this is --

13 JUDGE CHACHKIN: You've just reviewed that.

14 MR. TOPEL: And that's been asked and answered.

15 JUDGE CHACHKIN: Do you want to --

16 MR. COHEN: Strike that.

17 MR. TOPEL: He asked it --

18 MR. COHEN: Strike that. I think Mr. Topel's point
19 is well taken.

20 JUDGE CHACHKIN: I'm having difficulty understanding
21 what you're using the --

22 MR. COHEN: I'm using it to impeach the witness,
23 because the witness is testifying inconsistent with her
24 deposition.

25 JUDGE CHACHKIN: If you're using it to impeach the

1 witness, all you have to do is read it into the record, you
2 don't have to ask her whether she said this, Counsel has a
3 copy of it, and he could, if he feels that you're not reading
4 it correctly, could state so.

5 MR. COHEN: Very good, Your Honor.

6 JUDGE CHACHKIN: Just say if you're offering for the
7 purpose of impeachment, or for admission or both, just read
8 into the record the question and answer.

9 MR. COHEN: Very good, Your Honor. I'm offering it
10 for impeachment and as an admission, Your Honor.

11 JUDGE CHACHKIN: All right. But if you do it in the
12 future, just read it into the record.

13 MR. COHEN: Yes, sir. I understand and I will not
14 do that.

15 BY MR. COHEN:

16 Q Now, there's an entity named Planck, P-L-A-N-C-K,
17 Construction Company, or Planck Technical Services. Is that a
18 company that you're familiar with?

19 A Yes.

20 Q And is that a company that is in the business of
21 constructing television stations?

22 A That's correct.

23 Q And Planck Construction, or Planck Technical
24 Services does work for TBN, correct?

25 A Yes.

1 Q And it also does work for NMTV, is that correct?

2 A That's correct.

3 Q And it's true, isn't it, that Planck Construction,
4 or Planck Technical Services was either fully -- wholly owned
5 or partially owned by TBN until a few years ago?

6 A That's correct.

7 Q Now, are you familiar ma'am, with the Master Control
8 Operator Orientation Handbook that's utilized by NMTV?

9 A Yes.

10 Q And isn't it a fact that TBN and NMTV use the same
11 Master Control Operator Orientation Handbook?

12 A That's correct.

13 Q I'd like the witness to be referred, Mr. Topel, if
14 you would, to Exhibit --

15 MR. COHEN: We'll use the Bureau Exhibit, Your
16 Honor, which I imagine is preferable. It's not a joint
17 exhibit. It's Glendale Exhibit 115. Would you refer that to
18 the witness please? Thank you. It's the letter dated May 21.

19 JUDGE CHACHKIN: This is Bureau Exhibit what?

20 MR. COHEN: No, this is Glendale Exhibit 115, it's
21 not a common Exhibit, Your Honor.

22 JUDGE CHACHKIN: All right.

23 BY MR. COHEN:

24 Q That letter has been admitted into evidence, Mrs.
25 Duff. And my question is why were you asking that the press

1 release of TBN's great victory in the Ward case be posted at
2 NMTV for the next 30 days?

3 A The Ward case had to do with a former personnel
4 director for TBN. It got a lot of publicity, and was in the
5 newspaper, including in the Portland area. At the time that
6 that case was dismissed, I decided that the employees at
7 Portland would be interested to know about the fact that this
8 case was won. Because they were aware of Mrs. Ward, because
9 she took care of the personnel matters for Portland.

10 Q That's because all the personnel and payroll went to
11 Portland, are handled for TBN, is that correct?

12 A That's correct.

13 MR. COHEN: Would you show the witness Exhibit 119,
14 Mr. Topel?

15 JUDGE CHACHKIN: You'll have to identify whose
16 Exhibit.

17 MR. COHEN: It's Glendale Exhibit. I'll always use
18 the common exhibits, if I can, Your Honor.

19 JUDGE CHACHKIN: Well, I understand that, but just
20 --

21 MR. COHEN: Yes.

22 JUDGE CHACHKIN: -- you have to say Glendale or
23 Bureau Exhibits.

24 MR. COHEN: Yes, your point is well taken, Your
25 Honor, I -- you're absolutely right, I'm sorry. Glendale

1 Exhibit 119. Sorry, Your Honor.

2 BY MR. COHEN:

3 Q That letter has been admitted into evidence, Mrs.
4 Duff. I want to ask you, when you refer to the programming
5 department in your letter, you were referring to the TBN
6 programming department, is that correct?

7 A That's correct.

8 Q That's all I have on that. I now ask you to put
9 before the witness, if you will, Mr. Topel, Glendale Exhibit
10 114. That letter has been admitted into evidence, Mrs. Duff.
11 Will you please explain what you meant by Dixie West is
12 replacing Deanna Sebastian as your contact in your letter to
13 Mr. McClellan?

14 A Dixie West was responsible for the quarterly
15 reports, that were generated by the network to pass on to its
16 affiliates, because they had the same -- many of the same
17 programs.

18 So the network provided the quarterly report for the
19 convenience for the affiliate.

20 Q Thank you. Would you show the witness Glendale
21 Exhibit 117, please? That letter has been admitted into
22 evidence, Mrs. Duff. In your letter, you make reference to
23 telephone slips to the prayer ministry department at TBN
24 headquarters. Would you explain what you meant by that?

25 A The Praise Program, which is the flagship program of

1 the TBN Network which was aired on the Portland station, has
2 as its base, a 24 hour hotline and for that purpose, there is
3 a Prayer Partner Ministry at the station. And this is a
4 ministry that is provided by TBN, so those slips are referred
5 to TBN, so that the Prayer Partner Ministry Director, Jay
6 Jones, can handle the follow-ups.

7 Q And Jay Jones is an employee of TBN, is that
8 correct?

9 A That's correct.

10 Q And the Prayer Partner Ministry is part of TBN, is
11 that correct?

12 A Yes.

13 Q Thank you.

14 MR. COHEN: Would you show the witness Glendale
15 Exhibit 110 please? That is a common exhibit, that should be
16 Bureau Exhibit 351, Your Honor.

17 JUDGE CHACHKIN: All right.

18 MR. COHEN: According to my records, at least. Is
19 she ready?

20 MR. TOPEL: No, I need to get the Bureau Exhibit.

21 MR. COHEN: You can show her my exhibit, it's the
22 same exhibit. Show her the 110, it's the same Exhibit.

23 BY MR. COHEN:

24 Q My question is, and this letter has also been -- or
25 this memo has admitted into evidence.

1 JUDGE CHACHKIN: Well, we could assume for sake of
2 -- unless there's some opposition, all the exhibits you're
3 referring to, exhibits which have been received.

4 MR. COHEN: Very good, Your Honor, very good.

5 BY MR. COHEN:

6 Q Was the same memo sent to the Trinity stations and
7 to the Portland station?

8 A I believe so.

9 Q Thank you.

10 MR. COHEN: Would you show the witness Glendale
11 Exhibit 109, Mr. Topel?

12 BY MR. COHEN:

13 Q Was that memo sent to the Trinity -- Trinity
14 Stations as well as to the Portland Station?

15 A Yes.

16 MR. COHEN: Would you show the witness Glendale
17 Exhibit 106?

18 MR. SCHONMAN: Mr. Cohen, what number is that?

19 MR. COHEN: 106, Glendale.

20 BY MR. COHEN:

21 Q Was the same memo sent to the Trinity, and -- to
22 Trinity Stations and to the Portland Station?

23 A Yes.

24 Q Would you show the witness Glendale Exhibit 112,
25 please? My question, Mrs. Duff, is are the same standards and

1 practices in place for NMTV and TBN?

2 A Yes, I believe that I decided that this was a good
3 idea to send it to Portland, because I felt that these were
4 good practices and I thought that the station would benefit by
5 them, so that's why I sent the instruction.

6 Q Thank you, I'd like you to ask the witness to refer,
7 Mr. Topel, to 1 -- Glendale 116. And I ask you, Mrs. Duff,
8 whether TBN and NMTV have the same policy with regard to
9 station vehicle?

10 A This is another instance where I thought that this
11 was a good policy and it would benefit the Portland Station,
12 yes.

13 Q Thank you. Exhibit -- Glendale Exhibit 111, will
14 you please show that to the witness? And I'd ask you, there's
15 a reference here to most stations, were you referring there to
16 the TBN Stations and the Portland Station?

17 A I was referring to stations in general, I had
18 received a memo from our attorney, and he mentioned to me that
19 many stations across the country had received a visit to their
20 public file.

21 Q This memo was --

22 A That's what I was referring to.

23 Q Excuse me, I didn't mean to cut you off. This memo
24 was sent to both the Trinity Stations and to the Portland
25 station, is that correct?

1 A Yes.

2 Q Okay.

3 JUDGE CHACHKIN: When you say, Ms. Duff, when you
4 say "our attorney," whose attorney -- what attorney are you
5 referring to?

6 MRS. DUFF: Colby May.

7 JUDGE CHACHKIN: And Colby May represents TBN
8 Stations as well as NMTV?

9 MRS. DUFF: Yes, sir.

10 BY MR. COHEN:

11 Q Would you please show the witness Glendale Exhibit
12 105? Mrs. Duff, was this memo sent to the Trinity Stations as
13 well as the Portland Station?

14 A Yes, it was.

15 Q Would you please show the witness, Glendale Exhibit
16 113? Was the same letter sent to the Trinity Stations and to
17 the Portland Station?

18 A I believe it was sent in memo form to the other
19 stations.

20 Q But the information was the same?

21 A The information was the same basically.

22 Q Would you show the witness Glendale Exhibit 107?
23 Was the same memorandum sent to the Trinity managers and to
24 the Portland manager?

25 A Yes.

1 Q Would you show the witness Glendale Exhibit 120?
2 Was the same memo sent to the Portland Station and the Trinity
3 Station?

4 A Yes.

5 Q Would you show the witness Glendale Exhibit 104?
6 Was the -- was the same memo sent to the Trinity Stations as
7 well as to the Portland Station?

8 A No.

9 Q I'd like you to have referred --

10 MR. COHEN: Mr. Topel, will you refer the witness to
11 page 56 of her deposition on October 8th, page 56, line 7
12 through 11?

13 JUDGE CHACHKIN: Is this trying to refresh the
14 witness's recollection?

15 MR. COHEN: I'm trying to impeach her, Your Honor.

16 JUDGE CHACHKIN: Then just read it into the record,
17 without referring it to the witness. Counsel has a copy of it
18 --

19 MR. COHEN: Thank you, Your Honor.

20 JUDGE CHACHKIN: -- and can follow along.

21 MR. COHEN: I understand.

22 JUDGE CHACHKIN: Very good.

23 MR. COHEN: Not at all.

24 JUDGE CHACHKIN: Okay.

25 BY MR. COHEN:

1 Q 56, line 7, Question, "I want to show you a memo to
2 all station managers on NMTV's letterhead from you dated
3 October 3, 1989, and I ask you was the same memo sent to the
4 Trinity Stations as well as the NMTV Stations?" Answer,
5 "Yes."

6 A I must have misread the memo. Because this memo --

7 Q I have nothing else on that. Mr. Topel can --

8 MR. TOPEL: Well, Your Honor, -- Your Honor, we can
9 do it on re-direct, but she's explaining, I think it's --

10 MR. COHEN: Your Honor --

11 MR. TOPEL: -- orderly to have it in the record in
12 one place.

13 JUDGE CHACHKIN: Well, you can do it on re-direct,
14 let's continue with Mr. Cohen's direct examination -- cross
15 examination.

16 MR. COHEN: Thank you.

17 BY MR. COHEN:

18 Q Will you look at Exhibit --

19 MR. TOPEL: Your Honor, I think Mr. Cohen should
20 indicate, since the portion he read referred to a memo with a
21 date --

22 JUDGE CHACHKIN: October 3rd, 1989.

23 MR. TOPEL: Yes, but didn't indicate a date stamp
24 number.

25 MR. COHEN: That's re-direct, Your Honor.

1 MR. TOPEL: Well, is it the same document, that's
2 all I'm asking?

3 MR. COHEN: Well, I certainly think so, I would
4 never knowingly deceive you or the Court or this witness, I
5 mean I've practiced enough, long enough to know that that
6 would be unethical.

7 JUDGE CHACHKIN: Well, then let's not get into an
8 extended discussion. You -- it's your belief this was a
9 different document referred to, Mr. Topel?

10 MR. TOPEL: No, I don't know. The practice in
11 depositions was to identify documents by these date stamp
12 numbers at the bottom. I have no reason to think it's a
13 different document, but I just don't know -- the record isn't
14 clear from --

15 JUDGE CHACHKIN: Well, there is a date stamp number
16 on the document which was received, and I assume the
17 deposition will reflect a date stamp?

18 MR. COHEN: No, it doesn't, Your Honor. But -- and
19 I didn't do that in every instance,
20 because --

21 JUDGE CHACHKIN: All right, all right.

22 MR. COHEN: But I think this is re-direct, really
23 Your Honor, not --

24 JUDGE CHACHKIN: Let's continue, Mr. Cohen.

25 MR. COHEN: Thank you, your Honor.